

111TH CONGRESS
1ST SESSION

S. 1561

To ensure safe, secure, and reliable marine shipping in the Arctic, including the availability of aids to navigation, vessel escorts, oil spill response capability, and maritime search and rescue in the Arctic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2009

Mr. BEGICH introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To ensure safe, secure, and reliable marine shipping in the Arctic, including the availability of aids to navigation, vessel escorts, oil spill response capability, and maritime search and rescue in the Arctic, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Arctic Marine Shipping
5 Assessment Implementation Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The United States is an Arctic nation
2 with—

3 (A) an approximately 700-mile border with
4 the Arctic Ocean;

5 (B) more than 100,000,000 acres of land
6 above the Arctic Circle; and

7 (C) an even broader area defined as Arctic
8 by temperature, which includes the Bering Sea
9 and Aleutian Islands.

10 (2) The Arctic region of the United States—

11 (A) is home to an indigenous population
12 which has subsisted for millennia on the abun-
13 dance in marine mammals, fish, and wildlife,
14 many of which are unique to the region;

15 (B) is known to the indigenous population
16 as Inuvikput or the “place where we live”; and

17 (C) has produced more than
18 16,000,000,000 barrels of oil and, according to
19 the United States Geological Survey, may hold
20 an additional 30,000,000,000 barrels of oil and
21 220,000,000,000,000 cubic feet of natural gas,
22 making the region of fundamental importance
23 to the national interest of the United States.

24 (3) Temperatures in the United States Arctic
25 region have warmed by 3 to 4 degrees Celsius over

1 the past half-century, a rate of increase that is twice
2 the global average.

3 (4) The Arctic ice pack is rapidly diminishing
4 and thinning, and the National Oceanic and Atmos-
5 pheric Administration estimates the Arctic Ocean
6 may be ice free during summer months in as few as
7 30 years.

8 (5) Such changes to the Arctic region are hav-
9 ing a significant impact on the indigenous people of
10 the Arctic, their communities and ecosystems, as
11 well as the marine mammals, fish, and wildlife upon
12 which they depend.

13 (6) Such changes are opening new portions of
14 the United States Arctic continental shelf to possible
15 development for offshore oil and gas, commercial
16 fishing, marine shipping, and tourism.

17 (7) It is in the interests of the United States
18 to work with the State of Alaska and the United
19 States neighbors in the Arctic region to ensure that
20 shipping in the Arctic Ocean and adjacent seas is
21 safe for mariners, protective of the natural environ-
22 ment, including the air, land, water, and wildlife of
23 the Arctic, and mindful of the needs of longstanding
24 subsistence users of Arctic resources.

1 (8) It is in the interests of the United States
2 to ensure that shipping in the Arctic Ocean and ad-
3 jacent seas is secure, that United States sovereign
4 and security interests, including the freedom of navi-
5 gation rights of United States and foreign vessels to
6 transit international straits, are respected and pro-
7 tected, consistent with international and customary
8 law, that access is provided throughout the Arctic
9 Ocean for legitimate research vessels of all nations,
10 and that peaceful relations are maintained in the
11 Arctic region.

12 (9) It is in the interests of the United States
13 to cooperate to establish a system of international
14 cooperation to support reliable shipping, with meth-
15 ods for joint investment in providing mariners aids
16 to navigation, ports of refuge, vessel-to-shore com-
17 munication, weather and ice forecasting, ship track-
18 ing and reporting, hydrographic mapping, and
19 search and rescue capability.

20 (10) The United States has continuing re-
21 search, security, environmental, and commercial in-
22 terests in the Arctic region that rely on the avail-
23 ability of polar class icebreakers of the Coast Guard
24 that were commissioned in the 1970s and are in
25 need of replacement.

1 (11) Sovereign interests of the United States in
2 the Arctic Ocean and Bering Sea regions may grow
3 with submission of a United States claim for an ex-
4 tended continental shelf, pending the United States
5 becoming a party to the United Nations Convention
6 on the Law of the Sea, done at Montego Bay De-
7 cember 10, 1982.

8 (12) Building new icebreakers, forward oper-
9 ating bases, aids to navigation, and other facilities,
10 and establishing coordinated shipping regulations
11 and oil spill prevention and response capability
12 through international cooperation requires long lead
13 times.

14 (13) Beginning such efforts, with the comple-
15 tion of an Arctic Marine Shipping Assessment by the
16 8-nation Arctic Council, is essential to protect
17 United States interests given the extensive current
18 use of the Arctic Ocean and adjacent seas by vessels
19 of many nations.

20 **SEC. 3. PURPOSE.**

21 The purpose of this Act is to ensure safe, secure, and
22 reliable maritime shipping in the Arctic, including the
23 availability of aids to navigation, vessel escorts, spill re-
24 sponse capability, and maritime search and rescue in the
25 Arctic.

1 **SEC. 4. DEFINITIONS.**

2 In this Act, the term “Arctic” has the meaning given
3 that term in section 112 of the Arctic Research and Policy
4 Act of 1984 (15 U.S.C. 4111).

5 **SEC. 5. SENSE OF CONGRESS ON INTERNATIONAL AGREE-**
6 **MENTS.**

7 It is the sense of Congress that, to carry out the pur-
8 pose of this Act, the Secretary of State, in consultation
9 with the Secretary of Homeland Security, acting through
10 the Commandant of the Coast Guard, should work to es-
11 tablish agreements to promote coordinated action among
12 the United States, Russia, Canada, Iceland, Norway, and
13 Denmark and other seafaring and Arctic nations with re-
14 spect to—

- 15 (1) placement and maintenance of aids to navi-
16 gation in waters of the Arctic;
- 17 (2) improved navigational charts;
- 18 (3) the monitoring of ocean conditions including
19 wind, waves, and currents and the timely reporting
20 of information about ice and weather conditions;
- 21 (4) appropriate icebreaking escort, tug, and sal-
22 vage capabilities;
- 23 (5) oil spill prevention and response capability;
- 24 (6) maritime domain awareness, including long-
25 range vessel tracking and communications facilities;
- 26 (7) search and rescue; and

1 (8) facilities for ship generated waste.

2 **SEC. 6. COAST GUARD ARCTIC MISSION ANALYSIS.**

3 (a) SUBMISSION OF REPORT ANALYSIS TO CON-
4 GRESS.—

5 (1) REQUIREMENT FOR SUBMISSION.—Not
6 later than 90 days following the completion of the
7 High Latitude Polar Ice-Breaking Mission Analysis
8 Report, the Commandant of the Coast Guard shall
9 submit to the appropriate committees of Congress—

10 (A) such report; and

11 (B) consistent with section 93(a)(24) of
12 title 14, United States Code, any recommenda-
13 tions of the Commandant related to such re-
14 port.

15 (2) APPROPRIATE COMMITTEES OF CONGRESS
16 DEFINED.—In this subsection, the term “appro-
17 priate committees of Congress” means the Com-
18 mittee on Commerce, Science, and Transportation of
19 the Senate and the Committee on Transportation
20 and Infrastructure of the House of Representatives.

21 (b) MISSION REQUIREMENTS ANALYSIS.—

22 (1) MISSION REQUIREMENTS ANALYSIS.—Not
23 later than 90 days after the date of the enactment
24 of this Act, the Commandant of the Coast Guard

1 shall, subject to the availability of appropriations,
2 execute a contract with an independent entity to—

3 (A) conduct an analysis of future mission
4 requirements of the Coast Guard in the Arctic
5 and Antarctic; and

6 (B) estimate the necessary resources to
7 provide for such requirements.

8 (2) SUBMISSION OF ANALYSIS AND ESTI-
9 MATE.—Not later than 120 days after the date that
10 the contract described in paragraph (1) is executed,
11 the analysis and estimate described in subparagraph
12 (A) and (B) of that paragraph shall be submitted
13 to—

14 (A) the appropriate committees of Con-
15 gress;

16 (B) the Commandant of the Coast Guard;
17 and

18 (C) the Comptroller General of the United
19 States.

20 (3) ADDITIONAL RECOMMENDATIONS.—Not
21 later than 90 days after the submission of the anal-
22 ysis and estimate described in paragraph (2)—

23 (A) the Commandant of the Coast Guard
24 shall submit to the appropriate committees of
25 Congress, consistent with section 93(a)(24) of

1 title 14, United States Code, any recommenda-
 2 tions of the Commandant related to such anal-
 3 ysis and estimate; and

4 (B) the Comptroller General shall submit
 5 to the appropriate committees of Congress any
 6 recommendations of the Comptroller General
 7 related to such analysis and estimate.

8 (4) APPROPRIATE COMMITTEES OF CONGRESS
 9 DEFINED.—In this subsection, the term “appro-
 10 priate committees of Congress” means—

11 (A) the Committee on Commerce, Science,
 12 and Transportation and the Committee on
 13 Homeland Security and Governmental Affairs
 14 of the Senate; and

15 (B) the Committee on Homeland Security
 16 and the Committee on Transportation and In-
 17 frastructure of the House of Representatives.

18 **SEC. 7. ARCTIC VESSEL TRAFFIC RISK ASSESSMENTS.**

19 (a) IN GENERAL.—Pursuant to sections 4 and 5 of
 20 the Ports and Waterways Safety Act of 1972 (33 U.S.C.
 21 1223 and 1224), the Commandant of the Coast Guard,
 22 in consultation with the appropriate Area Committee es-
 23 tablished under section 311(j)(4) of the Federal Water
 24 Pollution Control Act (33 U.S.C. 1321(j)(4)), shall pre-
 25 pare—

1 (1) not later than 2 years after the date of the
2 enactment of this Act, a vessel traffic risk assess-
3 ment for the Bering Strait, Alaska; and

4 (2) not later than 3 years after the date of the
5 enactment of this Act, a vessel traffic risk assess-
6 ment for the Arctic Ocean waters adjacent to Alas-
7 ka's North Slope.

8 (b) CONTENTS.—A vessel traffic risk assessment,
9 prepared pursuant to subsection (a), shall describe for the
10 Bering Strait or the Arctic Ocean, as appropriate—

11 (1) the amount and character of present and
12 estimated future shipping traffic in the region; and

13 (2) the current and projected use and effective-
14 ness in reducing risk of—

15 (A) traffic separation schemes and routing
16 measures;

17 (B) long-range vessel tracking systems de-
18 veloped under section 70115 of title 46, United
19 States Code;

20 (C) towing, response, or escort tugs;

21 (D) vessel traffic services;

22 (E) emergency towing packages on vessels;

23 (F) increased spill response equipment in-
24 cluding equipment appropriate for severe weath-
25 er and sea conditions;

1 (G) the automatic identification system de-
2 veloped under section 70114 of title 46, United
3 States Code;

4 (H) particularly sensitive sea areas, impor-
5 tant ecological areas, areas to be avoided, and
6 other traffic exclusion zones;

7 (I) aids to navigation;

8 (J) vessel response plans, facility response
9 plans, any other response plans that the Sec-
10 retary deems necessary; and

11 (K) area contingency plans and the effec-
12 tiveness of the several response plans to support
13 an area contingency plans.

14 (c) RECOMMENDATIONS.—

15 (1) IN GENERAL.—An assessment, prepared
16 pursuant to this section, may include any appro-
17 priate recommendations to enhance the safety and
18 security, or lessen potential adverse environmental
19 impacts, of marine shipping.

20 (2) CONSULTATION.—Prior to making any rec-
21 ommendation described in paragraph (1), the Com-
22 mandant of the Coast Guard, acting through the ap-
23 propriate Area Committee established under section
24 311(j)(4) of the Federal Water Pollution Control
25 Act (33 U.S.C. 1321(j)(4)), shall consult with af-

1 fected Federal, State, and local government agen-
2 cies, representatives of the fishing industry, Alaska
3 Natives from the region, the conservation commu-
4 nity, and the merchant shipping and oil transpor-
5 tation industries.

6 **SEC. 8. CENTRAL BERING SEA HARBOR OF REFUGE.**

7 (a) CONSULTATION AND DETERMINATION.—Not
8 later than 1 year after the date of the enactment of this
9 Act, the Commandant of the Coast Guard shall consult
10 with the Secretary of the Army to determine the viability
11 of and the improvements necessary to make the harbor
12 at St. George Island, Alaska, a fully functional harbor of
13 refuge throughout the year to enhance safety of life at sea
14 and protection from oil pollution in the Central Bering
15 Sea.

16 (b) COMPLETION OF HARBOR.—Not later than 3
17 years after the date of the enactment of this Act, the Sec-
18 retary of the Army shall complete the harbor at St. George
19 Island, Alaska, including the improvements determined
20 under subsection (a) and any engineering design needed
21 for safe navigation.

22 **SEC. 9. REPORT ON ESTABLISHMENT OF ARCTIC DEEP**
23 **WATER PORT.**

24 (a) STUDY.—

1 (1) IN GENERAL.—The Commandant of the
2 Coast Guard shall conduct a study on the feasibility
3 and potential of establishing a deep water sea port
4 in the Arctic to protect and advance strategic United
5 States interests within the evolving and ever more
6 important Arctic region.

7 (2) SCOPE.—The study required under para-
8 graph (1) shall address the following issues:

9 (A) The capability that such a port would
10 provide.

11 (B) Potential and optimum locations for
12 such a port.

13 (C) Resources needed to establish such a
14 port.

15 (D) The time frame needed to establish
16 such a port.

17 (E) The infrastructure required to support
18 such a port.

19 (F) Any other issues the Secretary deter-
20 mines necessary to complete the study.

21 (b) REPORT.—Not later than 1 year after the date
22 of the enactment of this Act, the Secretary of Defense
23 shall submit to the congressional defense committees a re-
24 port on the findings of the study conducted under sub-
25 section (a).

1 **SEC. 10. TRANSFER OF FUNDS FOR ICEBREAKING SERV-**
2 **ICES.**

3 Notwithstanding any other provision of law, the Di-
4 rector of the National Science Foundation shall transfer
5 all amounts provided pursuant to any Act for the procure-
6 ment of polar icebreaking services to the United States
7 Coast Guard Appropriation Accounts, and such amounts
8 shall remain available until expended for operating ex-
9 penses, renovation, and improvement.

10 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to the Secretary of Homeland Security—

13 (1) \$40,000,000 in fiscal year 2011 for the de-
14 sign of a new polar class icebreaker;

15 (2) \$800,000,000 for each of fiscal years 2011
16 and 2012 for the construction of 2 polar capable ice-
17 breakers;

18 (3) \$5,000,000 for each of fiscal years 2011
19 through 2015 for seasonal operations in the Arctic;

20 (4) \$10,000,000 for each of fiscal years 2012
21 through 2015 to carry out any agreements referred
22 to in section 5;

23 (5) \$4,000,000, to remain available until ex-
24 pended, for a vessel traffic risk assessments to be
25 conducted pursuant to section 7; and

1 (6) \$100,000,000 in each of the fiscal years
2 2011 through 2013 for the construction of forward
3 operating bases, including aircraft hangar, bunk and
4 mess facilities in Barrow, Nome, and Saint Paul Is-
5 land, Alaska.

6 (b) HYDROGRAPHIC SERVICES.—Section 306 of the
7 Hydrographic Services Improvement Act of 1998 (33
8 U.S.C. 892d) is amended by adding at the end the fol-
9 lowing new paragraphs:

10 “(7) To acquire hydrographic data, provide hy-
11 drographic services, and conduct coastal change
12 analyses necessary to ensure safe navigation, and to
13 improve the management of coastal change in the
14 Arctic, \$10,000,000 for each of fiscal years 2011
15 and 2012.

16 “(8) To acquire hydrographic data and provide
17 hydrographic services in the Arctic necessary to de-
18 lineate the United States extended continental shelf,
19 \$5,000,000 for each of fiscal years 2011 and
20 2012.”.

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